IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.217 OF 2004

Shri Jaysing Tukaram Dhumal ...Applicant
Vs.
The State of Maharashtra & Anr. ...Respondents

Mrs.Sulbha Dhamale for the Applicant.
Mr.Ravi Gaikwade i/by R.V.More for the Respondent No.1.
Ms Rajeshree Gadhvi, A.P.P. for the State.

CORAM : A. S. OKA, J.
DATE : OCTOBER 05, 2005.

P.C.:

1. Rule. Advocates appearing for the Respondent Nos.1 and 2 waive service. Taken up for hearing forthwith. Heard the Advocate appearing for the Applicant, learned A.P.P. for the State and the Advocate appearing for the Respondent No.2. An affidavit has been filed by the Applicant setting out that the Respondent No.2 who is the original complainant in a complaint under section 138 of the Negotiable Instruments Act, 1881 has agreed to compound the offence. To the aforesaid affidavit of the Applicant, a xerox copy of the affidavit sworn by the Respondent No.2 has been annexed alongwith the xerox copy of the receipt executed by the Respondent No.2 which disclose that she has received a sum of Rs.50,000/- in cash from the Applicant. The learned Advocate for the Respondent No.2 has placed on record a letter sent by the Respondent No.2. The letter is taken on record and marked "X" for identification.

The learned Advocate for the Respondent No.2 stated that the Applicant and the Respondent No.2 have settled the dispute and the Respondent No.2 in view of the receipt of sum of Rs.50,000/- has agreed to compound the offence.

2. In view of the letter which is taken on record and in view of the statement made by the Advocate appearing for the Respondent No.2, this is a fit case where power under section 147 of the Negotiable Instruments Act, 1881 should be exercised. As the offence is compounded by the parties, the conviction deserves to be quashed and set aside.

3. Hence, I pass the following order

: O R D E R :

i) The offence is permitted to be compounded.

ii) In view of the compounding of the offence, the conviction and sentence passed against the Applicant is quashed and set aside and the Applicant is acquitted of the offence under section 138 of the Negotiable Instruments Act, 1881.

iii) The Bail bonds of the Applicant are cancelled.

iv) Rule is made absolute in above terms.